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21SN-CC00077 - SHELLEY BRYANT V WAL-MART STORES EAST LP ET AL (E-CASE)

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07/22/2021 □ Notice of Service

Summons Return 21-SMCC-479; Electronic Filing Certificate of Service.

□ Corporation Served

Document ID - 21-SMCC-479; Served To - WAL-MART STORES EAST, LP; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 21-JUL-21; Served Time - 09:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served to LCW - D. Garcia, Intake Specialist

07/12/2021 ☐ Alias Summons Issued

> Document ID: 21-SMCC-479, for WAL-MART STORES EAST, LP. SUMMONS ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE NET AND ATTACH COPY OF PETITION FOR SERVICE BY SHERIFF.

07/06/2021 □ Notice of Service

> Out of Time Summons, 21-SMCC-284 Filed By: TOM ALBERT KAPSTROM On Behalf Of: SHELLEY BRYANT

□ Summons Returned Non-Est

Document ID - 21-SMCC-284; Served To - WAL-MART STORES EAST, LP; Server -; Served Date -06-JUL-21; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Non-est; Service Text - Summons returned NON-EST, Out of Time

07/02/2021 □ Judge/Clerk - Note

Alias summons to be issued when return for original summons 21-SMCC-284 is filed with the Court.

07/01/2021 □ Alias Summons Requested

Request for Alias Summons.

Filed By: TOM ALBERT KAPSTROM On Behalf Of: SHELLEY BRYANT

04/23/2021 □ Summons Issued-Circuit

> Document ID: 21-SMCC-284, for WAL-MART STORES EAST, LP. SUMMONS ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE NET AND ATTACH COPY OF PETITION FOR SERVICE BY SHERIFF.

□ Case Review Scheduled

Case set for review. No appearance necessary. If no filings or pleadings filed within 6 months prior to the case review, case will be set for dismissal hearing approximately 60 days out, or the next Law/Motion Day Docket. Clerk will notify the pro se parties of the dismissal hearing by mail if service has been acquired and counsel will be notified by e-notice.

Scheduled For: 03/25/2022; 4:00 PM; DAVID ALLEN COLE; Stone

EXHIBIT

Page 1 of 13

04/22/2021	☐ Request for Jury Request for Jury	r Trial Filed Trial made in Petition.	
	☐ Filing Info Sheet Filed By: TOM	eFiling 1 ALBERT KAPSTROM	
	•	Market Construction	
	☐ Judge Assigned		
Case.net Versi	on 5.14.19	Return to Top of Page	Released 07/15/2021

IN THE CIRCUIT COURT OF STONE COUNTY, MISSOURI

SHELLEY BRYANT,)	
c/o SPRINGFIELD INJURY LAW, PC)	
3100 S. National Ave., Suite 101)	
Springfield, Missouri 65807)	
-)	
Plaintiff,)	
)	
vs.)	Case No.
•)	
WAL-MART STORES EAST, LP)	
Serve at:)	•
CT Corporation System)	
120 South Central Ave.)	
Clayton, Missouri 63105)	
)	
and)	
)	
JANE DOE CASHIER)	
)	
Defendants.)	

PETITION FOR DAMAGES Jury Trial Requested

COMES NOW Plaintiff Shelley Bryant, by and through her attorneys Springfield Injury Law, PC, and for her cause of action against Defendant Wal-Mart Stores EAST, LP, states and alleges as follows:

- 1. Plaintiff Shelley Bryant (hereinafter "Ms. Bryant") has been, at all relevant times, a resident of Christian County, Missouri.
- 2. Defendant Wal-Mart Stores East, LP, (hereinafter "Wal-Mart") is a Delaware forprofit corporation, with its principal place of business in Bentonville, Arkansas and with authority to do business in the State of Missouri, with the following registered agent and registered address: CT Corporation System, 120 South Central Avenue, Clayton, Missouri 63150.

- 3. Defendant Jane Doe's (hereinafter "Jane Doe") exact identity is presently unknown, but the identity of Defendant Jane Doe will be substituted at such time as it becomes known to plaintiff through the course of discovery.
- 4. Upon information and belief, Jane Doe has been, at all relevant times, a resident of Stone County, Missouri.
- 5. Plaintiff was first injured in Stone County, Missouri. Accordingly, the venue is proper in Stone County, Missouri under R.S. Mo. § 508.010.
- 6. Wal-Mart operates a retail and discount store at Store #2175, located at 18401 MO-13, Branson West, Missouri 65737 (hereinafter "Store").
- 7. On or about October 27, 2016, as an invitee, Ms. Bryant was shopping for groceries in the store.
- 8. Ms. Bryant placed the items she was purchasing on the check out conveyor and proceeded to stand next to the bagging area as Jane Doe, the employee of Defendant, scanned and bagged Ms. Bryant's items.
- 9. While the Jane Doe was in the process of scanning and bagging Ms. Bryant's items, Jane Doe knocked a large heavy can of soup off of the checking counter and directly onto Ms. Bryant's foot.
 - 10. Jane Doe was negligent as follows:
- (a) She failed to follow Wal-Mart's safety policies regarding the scanning and bagging of items on or about the check out-counter.
- (b) She carelessly, and without warning, knocked the heavy can of soup off of the counter and directly onto plaintiff's foot.
 - 11. As a result of Jane Doe's negligence, Ms. Bryant sustained the following:

- (a) Injury to her right foot;
- (b) Compartmentalized Regional Pain Syndrome;
- (c) Expenses for future medical care and treatment;
- (d) Emotional upset, anxiety, pain and suffering.
- 12. At the time of the incident referred to above, Jane Doe was employed by Wal-Mart and was acting in the course and scope of her employment with Wal-Mart, and in the furtherance of Wal-Mart's business interest.
 - 13. Defendant Wal-Mart was negligent as follows:
- (a) It failed to properly train Jane Doe in the safety procedures regarding the scanning and bagging of items on or about the check-out counter;
- (b) It failed to properly supervise Jane Doe to ensure Jane Doe was following all of Wal-Marts safety procedures regarding the scanning and bagging of items on or about the check-out counter;
- (c) It failed to have adequate safety baricades in place at the check-out counter to prevent items from being knocked off of the counter and injuring customers;
- (d) It failed to have adequate warning signs about the lack of a safety barricade at the check-out counter.
 - 14. As a result of Wal-Mart's negligence, Ms. Bryant sustained the following:
 - (a) Injury to her right foot;
 - (b) Compartmentalized Regional Pain Syndrome;
 - (c) Expenses for future medical care and treatment;
 - (d) Emotional upset, anxiety, pain and suffering.

WHEREFORE, Plaintiff Shelley Bryant requests judgment in her favor against Jane Doe and Wal-Mart Stores East, LP, for damages as are fair and reasonable, for her costs herein expended, with lawful post-judgment interest on the full judgment until paid in full, and for such other and further relief as the Court may deem just and fair under the circumstances.

Respectfully Submitted,

SPRINGFIELD INJURY LAW

By: /s/ Tom A. Kapstrom

Tom A. Kapstrom, MO Bar #65555 Attorneys for Plaintiff 3100 S. National Ave., Suite 101 Springfield, MO 65807 Telephone: (417) 877-0697

Telephone: (417) 877-0697 Facsimile: (888) 545-1573

Email: tom@springfieldinjury.com



IN THE 39TH JUDICIAL CIRCUIT, STONE COUNTY, MISSOURI

Judge or Division:	· · · · · · · · · · · · · · · · · · ·	Case Number: 21SN-CC00077	7	
DAVID ALLEN COLE				
Plaintiff/Petitioner:	,	Plaintiff's/Petitioner's Attorney/A	ddress	
SHELLEY BRYANT		TOM ALBERT KAPSTROM		
		3100 SOUTH NATIONAL AVE.		
		SUITE 101		
	VS.	SPRINGFIELD, MO 65807	······	
Defendant/Respondent:	CT ID	Court Address: 110 F SOUTH MAPLE		
WAL-MART STORES EA	51, LP	P O BOX 18		
Nature of Suit: CC Pers Injury-Other		GALENA, MO 65656		Date File Stamp)
OOT cra injury-other	Sur	nmons in Civil Case		Sale i lie Stamp)
The State of Missouri to				
0T 00DD0D4TI0N 0V0TEM	Alias:			
CT CORPORATION SYSTEM 120 S CENTRAL AVE				
CLAYTON, MO 63105				
COURT SEAL OF		to appear before this court ar		
	copy of which is at	tached, and to serve a copy of at the above address all within	your pleading upon tr	e attorney for
	exclusive of the da	y of service. If you fail to file yo	our pleading, iudgmen	t by default may
(5) (SEE 3) (5)		ou for the relief demanded in th		,,
STONE COUNTY	04/23/20	21	/s/Paula Ahnert	
STONE COOKTT	Date	***************************************	Clerk	
	Further Information:			
		eriff's or Server's Return		
_		ned to the court within 30 days after	the date of issue.	
	d the above summons by:	•	dont	
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		, a person of the defe	ndant's/respondent's fami	ly over the age of
15 years who perma	nently resides with the de	fendant/respondent.	mulaint to	
(for service on a corpo	oration) delivering a copy (of the summons and a copy of the co (name)	тріані ю.	(title).
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Printed Nam	e of Sheriff or Server Must be sworn before a ne	otary public if not served by an authori	Signature of Sheriff or Se zed officer:	rver
	Subscribed and sworn to	before me on	(date).	
(Seal)	NA.			
	My commission expires:	Date	Notary Public	
Sheriff's Fees, if applicab	ile			
Summons	\$			
Non Est	\$			
Sheriff's Deputy Salary				
Supplemental Surcharge	\$10.00	miles @ the manufacture		
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	me Court Rule 54.	aut bu dui vou dii eacii Gelelidaillied	policiona i oi modiodo di c	



July 1, 2021

Ms. Mariah Rapp CIRCUIT CLERK OF STONE COUNTY 110 F South Maple P.O. Box 18 Galena, MO 65656

Re:

Shelley Bryant v Wal-Mart Stores East, LP Stone County Case No.: 21SN-CC00077

Request for Alias Summons - Defendant Wal-Mart Stores East, LP

Dear Ms. Rapp:

We respectfully request that you issue an Alias Summons in the above-referenced matter as to Defendant Wal-Mart Stores East, LP.

Wal-Mart Stores East, LP service address is:

Walmart Stores East, LP c/o CT Corporation System 120 South Central Avenue Clayton, Missouri 63105

Thank you for your attention to this matter. As always, please feel free to contact the undersigned with any questions or concerns.

Sincerely,

/s/Tom A. Kapstrom

TOM A. KAPSTROM, ESQ. tom@springfieldinjury.com

TAK\vcb



OUT OF Time

IN THE 39TH JUDICIAL CIRCUIT, STONE COUNTY, MISSOURI

Judge or Division: DAVID ALLEN COLE	Case Nu	mber: 21SN-CC00077	
Plaintiff/Petitioner: SHELLEY BRYANT	TOM ALE 3100 SO SUITE 10	/Petitioner's Attorney/Address BERT KAPSTROM UTH NATIONAL AVE. 01 FIELD, MO 65807	
Defendant/Respondent: WAL-MART STORES EAST, LP	1	DUTH MAPLE	
Nature of Suit: CC Pers Injury-Other	P O BOX GALENA	.18 , MO 65656	(Date File Stamp)

	Summons	in Civil Case
The State of Missouri to	: WAL-MART STORES EAST, L	P
	Alias:	
CT CORPORATION SYSTEM 120 S CENTRAL AVE CLAYTON, MO 63105	30 CTCOPIN	
COURT SEAL OF	You are summoned to appea	r before this court and to file your pleading to the petition, a
	copy of which is attached, ar plaintiff/petitioner at the above exclusive of the day of service	nd to serve a copy of your pleading upon the attorney for ve address all within 30 days after receiving this summons, ce. If you fail to file your pleading, judgment by default may relief demanded in the petition.
STONE COUNTY	04/23/2021	/s/Paula Ahnert
	Date	Clerk
	Further Information:	
I certify that I have serve		(0.16)
leaving a copy of the	summons and a copy of the petition at	the dwelling place or usual abode of the defendant respondent with
(for service on a corp	nently resides with the defendant/resp pration) delivering a copy of the summ (na	, a person of the defendant's/respondent's family over the age of ondent. ons and a copy of the complaint to: ame)(title).
in	(County/City of St. Loui	s), MO, on(date) at (time).
Printed Nam	e of Sheriff or Server	Signature of Sheriff or Server
r rinco nan	Must be sworn before a notary public i	
(Seal)		on (date).
	My commission expires:	te Notary Public
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Sheriff's Fees, if applicate Summons	\$	
Non Est	\$	
Sheriff's Deputy Salary	* *************************************	
Supplemental Surcharge	\$10.00	
Mileage	\$ (miles	@ \$ per mile)
Total	\$	
A copy of the summons ar classes of suits, see Supre		d on each defendant/respondent. For methods of service on all

OSCA (06-18) SM30 (SMCC) For Court Use Only: Document Id # 21-SMCC-284

Civil Procedure Form No. 1; Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

1 of 1



IN THE 39TH JUDICIAL CIRCUIT, STONE COUNTY, MISSOURI

		_
Judge or Division:	Case Number: 21SN-CC00077	
DAVID ALLEN COLE		
Plaintiff/Petitioner: SHELLEY BRYANT	Plaintiff's/Petitioner's Attorney/Address TOM ALBERT KAPSTROM 3100 SOUTH NATIONAL AVE. SUITE 101 /s. SPRINGFIELD, MO 65807	
Defendant/Respondent: WAL-MART STORES EAST, LP	Court Address: 110 F SOUTH MAPLE	
Nature of Suit: CC Pers Injury-Other	P O BOX 18 GALENA, MO 65656	(Date

(tamp

Summons i	n Civ	/il	Case
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	Summons i	n Civil Case
The State of Missouri to	: WAL-MART STORES EAST, LP	
	Alias:	
CT CORPORATION SYSTEM	300-	
120 S CENTRAL AVE	30 CTCOPY	
CLAYTON, MO 63105 COURT SEAL OF	V V V	before this court and to file your pleading to the petition, a
OURTO		to serve a copy of your pleading upon the attorney for
		address all within 30 days after receiving this summons,
(3) (3)		. If you fail to file your pleading, judgment by default may
(到)(蒙亞蒙)(高)	be taken against you for the re	
	be taken against you for the re	ner demanded in the petition.
STONE COUNTY	04/23/2021	/s/Paula Ahnert
	Date	Clerk
	Further Information:	6
	Sheriff's or Se	rver's Return
Note to serving officer:	Summons should be returned to the cou	urt within 30 days after the date of issue.
I certify that I have served	d the above summons by: (check one)	
delivering a copy of th	e summons and a copy of the petition to	the defendant/respondent.
leaving a copy of the	summons and a copy of the petition at the	ne dwelling place or usual abode of the defendant respondent with
		_, a person of the defendant's/respondent's family over the age of
15 years who perma	nently resides with the defendant/respo	ndent.
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Served at		
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11.3	(County/City of St. Louis)	, MO, on (date) at (time).
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		(date).
(Seal)	Substitute and the state of the	A CONTRACTOR OF THE PROPERTY O
, ,	My commission expires:	
	Date	Notary Public
Sheriff's Fees, if applicab	le	
Summons	\$	
Non Est	\$	
Sheriff's Deputy Salary		
Supplemental Surcharge	\$10.00	
Mileage	\$ (miles @	9 \$ per mile)
Total	\$	
	d a copy of the petition must be served	on each defendant/respondent. For methods of service on all
classes of suits, see Supre	me Court Rule 54.	•

OSCA (06-18) SM30 (SMCC) For Court Use Only: Document Id # 21-SMCC-284

Civil Procedure Form No. 1; Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

1 of 1



Mileage

IN THE 39TH JUDICIAL CIRCUIT, STONE COUNTY, MISSOURI

Judge or Division:	Case Number: 21SN-CC00077	
DAVID ALLEN COLE		
Plaintiff/Petitioner: SHELLEY BRYANT	Plaintiff's/Petitioner's Attorney/Address TOM ALBERT KAPSTROM 1531 EAST BRADFORD PARKWAY s. SPRINGFIELD, MO 65804	
Defendant/Respondent: WAL-MART STORES EAŞT, LP	Court Address: 110 F SOUTH MAPLE	
Nature of Suit:	P O BOX 18 GALENA, MO 65656	(Date File Stamp)
CC Pers Injury-Other	s Summons in Civil Case	(Date File Stamp)
The State of Missouri to: WAL-MART STO		
copy of which is plaintiff/petition exclusive of the	oned to appear before this court and to file your s attached, and to serve a copy of your pleading her at the above address all within 30 days after e day of service. If you fail to file your pleading, at you for the relief demanded in the petition.	g upon the attorney for receiving this summons,
STONE COUNTY July 12, 2		<u>Clerk</u>
Further Information:	rate Clerk	
I certify that I have served the above summons delivering a copy of the summons and a copy leaving a copy of the summons and a copy 15 years who permanently resides with the	oy of the petition to the defendant/respondent. of the petition at the dwelling place or usual abode of the, a person of the defendant's/responde e defendant/respondent. opy of the summons and a copy of the complaint to:(name)	defendant/respondent with dent's family over the age of
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Sheriff's Fees, if applicable Summons \$		

classes of suits, see Supreme Court Rule 54.

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all

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UDICIAL CIRCUIT, STONE COUNTY, MISSOURI

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Judge or Division:	Case Number: 21SN-CC00077	P. 16
DAVID ALLEN COLE		J 8.0
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
SHELLEY BRYANT	TOM ALBERT KAPSTROM	
	1531 EAST BRADFORD PARKWAY	
VS.	SPRINGFIELD, MO 65804	
Defendant/Respondent:	Court Address:	}
WAL-MART STORES EAST, LP	110 F SOUTH MAPLE	
Nature of Suit:	↑ P O BOX 18	
CC Pers Injury-Other	GALENA, MO 65656	(Date File Stamp)
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CLAYTON, MO 63105	γ.,,				Į
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			all within 30 days after r		
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	be taken against yo	u for the relief dema	nded in the petition.	1~3	
	July 12, 2021		/s/Misty Smith, Deputy Cla	ark S	
STONE COUNTY	Date		Clerk		
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I certify that I have served	the above summons by: (check one)			. \
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/ 15 years who perman	ently resides with the defe	endant/respondent.	·	ω	į
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/ other:			*(
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	T CORPORATION				dress)
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	of Sheriff of Server	~ -	Signature of Sh	oriff or Sonia	
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		// · ·	, il adilonzegomos	(dada)	
	Subscribed and sworn to	before me on		(date).	
(Seal)					
•	My commission expires:		Not	ary Public	
		Date	Nut	ary Public	
Sheriff's Fees, if applicable	e				
Summons	\$				
Non Est	\$				
Sheriff's Deputy Salary					
Supplemental Surcharge	\$ 10.00				
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A copy of the summons and	a copy of the petition mu	ist be served on each de	efendant/respondent. For me	tnoas of service on	all
classes of suits, see Suprer	ne Court Rule 54.			<u></u>	

OSCA (06-18) SM30 (SMCC) For Court Use Only: Document Id # 21-SMCC-479 1 of 1

Civil Procedure Form No. 1; Rules 54:01 54:05, 54.13, and 54:20; 506:120 – 506:140, and 56:150 RSMo



HULLI) H JUDICIAL CIRCUIT, STONE COUNTY, MISSOURI

Weeks.			
Judge or Division:	•	Case Number: 21SN-CC00077	1 A.16
DAVID ALLEN COLE			J Y O
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address	
SHELLEY BRYANT		TOM ALBERT KAPSTROM	
		1531 EAST BRADFORD PARKWAY	
	VS.	SPRINGFIELD, MO 65804	_
Defendant/Respondent:		Court Address:	}
WAL-MART STORES EAST, LP		110 F SOUTH MAPLE	
Nature of Suit:		P O BOX 18	
CC Pers Injury-Other		GALENA, MO 65656	(Date File Stamp)

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Alias Summons in Civil Case				
The State of Missouri to	: WAL-MART STORES EAST, L	P	Angel Carlotte Charles	
	Alias: 36			
CT CORPORATION SYSTEM	CTCOK			
120 S CENTRAL AVE CLAYTON, MO 63105	mm			
COURT SEAL OF	You are summoned to appea	r before this court and to file	your pleading to the petition, a	
COURTOR	copy of which is attached, ar	id to serve a copy of your ple	ading upon the attorney for	
			after receiving this summons,	
			ding, judgment by default may	
	be taken against you for the	relief demanded in the petitio	on.	
	July 12, 2021	/s/Misty Smith, De	anuty Clark	
STONE COUNTY	Date		Clerk """	
	Further Information:			
		Server's Return		
Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.				
I certify that I have served	d the above summons by: (check one)	•		
delivering a copy of the	e summons and a copy of the petition	to the defendant/respondent.		
leaving a copy of the s	summons and a copy of the petition at	the dwelling place or usual abode	of the defendant/respondent with	
, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.				
(for service on a corporation) delivering a copy of the summons and a copy of the complaint to: (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: (title).				
LCW-	-D. GARCIA (n	ame) INTAKE	SPECIALIS I (title).	
/ 🔲 other:		*.		
Served at	CT CORPORATION		(address)	
in St. Louis Co		s), MO, on, [[] 2 1 2021	(date) at <u> </u>	
1	11	272		
William Morrey				
Printed Name	e of Sheriff of Server		ure of Sheriff or Server	
	Must be sworn before a notary public	, , ,		
(Cool)	Subscribed and sworn to before me	on	(date).	
(Seal)	My commission expires:			
		ate	Notary Public	
Sheriff's Fees, if applicab	le			
Summons	\$			
Non Est	\$		•	
Sheriff's Deputy Salary				
Supplemental Surcharge	\$10.00			
Mileage	\$ (miles	@ \$ per mile)		
Total	\$			
A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all				
classes of suits, see Supreme Court Rule 54.				

OSCA (06-18) SM30 (SMCC) For Court Use Only: Document Id # 21-SMCC-479 1 of 1

Civil Procedure Form No. 1; Rules 54:01 354:05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo